

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|--|---|-------------------------|
| In re Application of: Ikeuchi, Katsushi et al. | ) | Group Art Unit: 2624    |
|  | ) |                         |
| Application No.: 10/598,010                    | ) | Examiner: Werner, Brian |
|  | ) |                         |
| Filed: May 2, 2007                             | ) |                         |
|  | ) |                         |
| For: Shape Measurement Device and              | ) |                         |
| Method Thereof                                 | ) |                         |
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**DECLARATION UNDER 37 CFR §1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I, Katsushi Ikeuchi, declare as follows:

1. I, Katsushi IKEUCHI, am the first named inventor of the above captioned patent application. The other two inventors named in this patent application are Kasuhide HASEGAWA and Tomohito MASUDA. We three are the only inventors of this application.
2. An article entitled "Shape Reformation of 3D Range Image Scanned on a Balloon", The 21<sup>st</sup> Annual Conference of the Robotics Society of Japan, has been cited by the Examiner as prior art against the above captioned application.
3. With respect to the "Shape Reformation...." paper, five persons were listed as authors: Katsushi IKEUCHI, Kazuhide HASEGAWA, Tomohito MASUDA, Yuichiro HIROTA and Kohichi OGAWARA.
4. However, of these five listed as authors, Yuichiro HIROTA and Kohichi OGAWARA were only assistants in experiments conducted, while the actual inventors of the present invention were the remaining authors, Tomohito MASUDA, Kazuhide HASEGAWA and Katsushi IKEUCHI

5. The priority application to the above-captioned application was filed at the Japan Patent Office on February 25, 2004 and the PCT application filed on September 15, 2004.
6. For both these prior filings, only three persons, namely Katsushi IKEUCHI, Kazuhide HASEGAWA, and Tomohito MASUDA, are listed as the inventors.
7. Any invention disclosed by the "Shape Reformation..." paper was invented by the same persons as the inventors of the above-captioned application. Therefore, the "Shape Reformation..." paper does not constitute invention "by another."
8. Further, the "Shape Reformation..." paper was published September 20, 2003, which is within the one year prior to the date of the priority application filing of February 25, 2004.
9. Therefore, because the same parties both wrote this article and are the inventors of the above captioned applications, and because the publication of the article was within one year before the priority filing date of the above captioned application, I believe that the article does not qualify as prior art.

I, Katsushi Ikeuchi, having been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon state that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true.

Executed on the 16<sup>th</sup> day of November, 2010 at Tokyo, Japan.

By:   
Katsushi IKEUCHI